

**ACCEPTANCE OF CONDITIONAL RESOLUTION  
AND WAIVER OF RIGHT TO HEARING**

By signing below and returning this Acceptance of Conditional Resolution and Waiver of Right to Hearing (Acceptance and Waiver) to the Regional Water Quality Control Board (Regional Water Board), Novato Sanitary District (District) hereby accepts the "Offer to Participate in Expedited Payment Program" and waives the right to a hearing before the Regional Water Board to dispute the allegations of violations described in the Notice of Violation (NOV) which is attached hereto as Exhibit A and incorporated herein by reference.

The District agrees that the NOV shall serve as a complaint pursuant to Article 2.5 of the Water Code and that no separate complaint is required for the Regional Water Board to assert jurisdiction over the alleged violations through its Assistant Executive Officer. The District agrees to pay the penalties authorized by California Water Code section 13385, which shall be deemed payment in full of any civil liability pursuant to the Water Code sections 13385 and 13385.1 that otherwise might be assessed for the violations described in the NOV.

The District understands that this Acceptance and Waiver does not address or resolve liability for any violation that is not specifically identified in the Notice of Violation.

Upon execution by the District, the Acceptance and Waiver shall be returned to:

Expedited Payment Program  
California Regional Water Quality Control Board  
San Francisco Bay Region  
NPDES Enforcement Section, Regulatory Measure ID No. 374241  
Attention: Farhad Azimzadeh  
1515 Clay Street, Suite 1400  
Oakland, California 94612

The District understands that federal regulations set forth at title 40, Code of Federal Regulations, section 123.27(d)(2)(iii) require the Regional Water Board to publish notice of and provide at least 30 days for public comment on any proposed resolution of an enforcement action. Accordingly, this Acceptance and Waiver, prior to execution by the Executive Officer of the Regional Water Board, will be published as required by law for public comment.

If no comments are received within the notice period which causes the Executive Officer of the Regional Water Board to reconsider the Expedited Payment Amount, the Executive Officer will execute the Acceptance and Waiver. Resolution of these violations by the Regional Water Board will preclude State Water Board action for these same violations.

The District understands that if significant comments are received in opposition to the Expedited Payment Amount, the offer on behalf of the Regional Water Board to resolve the violations set forth in the NOV may be withdrawn. In that circumstance, the District will be advised of the withdrawal and an administrative civil liability complaint may be issued and the matter may be set for a hearing before the Regional Water Board or the State Water Board. For such a liability hearing, the District understands that this Acceptance and Waiver executed by the District will be treated as a settlement communication and will not be used as evidence in that hearing.

The District understands that once the Acceptance and Waiver is executed by the Executive Officer of the Regional Water Board, payment of the amount in full no later than 30 days after the date of the Executive Officer's signature is a condition of this Acceptance and Waiver. The District must submit its payment in full by check made out to "California Regional Water Quality Control Board" and sent to the address indicated above, together with a copy of this Acceptance and Waiver after execution by the Executive Officer.

I hereby affirm that I am duly authorized to act on behalf of and to bind the District in the making and giving of this Acceptance and Waiver.

\_\_\_\_\_  
Novato Sanitary District

By: Beverly B. James  
(Signed Name)

4/13/11  
(Date)

Beverly B. James  
(Printed or typed name)

Manager-Engineer  
(Title)

IT IS SO ORDERED PURSUANT TO WATER CODE SECTION 13385

By: \_\_\_\_\_  
Bruce H. Wolfe  
Executive Officer  
Regional Water Quality Control Board

**Note to Discharger: Please return the signed waiver with Exhibit A, together.**

For internal purpose: RM ID: 374241

## EXHIBIT A

Novato Sanitary District  
Novato and Ignacio WWTP  
Located at 500 Davidson Street, Novato, Marin County, CA 94945

Mandatory Minimum Penalties without the Regional Water Board Hearing  
The following table lists this facility's alleged permit exceedances of California Water Code Sections 13385(h) and (i) for which the Water Board has not assessed a mandatory minimum penalty. Final calculations of MMP amounts owed, and descriptions of the abbreviations that appear in the table are also listed in the table below.

No	CIQWS Violation Number	Occurred Date	Effluent Limit Description	Effluent Limit	Reported Effluent	Percent a Group I or Group II Pollutant is over Permit Limit	Type of Exceedance	CWC Sections 13385(h) or (i) Required MMP
1	621803	12/31/2008	Ammonia Maximum Monthly Average (mg/L)	6.0	8.0	33%	C1	
2	843223	1/23/2009	Chlorine Residual <sup>1</sup> Instantaneous Maximum (mg/L)	0.0	2.0	>20%	C2, S	\$3,000
3	817860	3/7/2009	TSS Weekly Average (mg/L)	45	53	17%	C3	
4	853758	11/30/2009	Ammonia Monthly Average (mg/L)	6.0	19	230%	C1, S	\$3,000
5	866015	1/18/2010	Enterococcus Daily Maximum (MPN/100mL)	276	1410	N/A	C2	
6	866018	1/19/2010	Enterococcus Daily Maximum (MPN/100mL)	276	581	N/A	C3	
7	866027	1/20/2010	Chlorine Residual <sup>1</sup> Instantaneous Maximum (mg/L)	0.0	1.2	>20%	> C3, S	\$3,000
8	866019	1/21/2010	Enterococcus Daily Maximum (MPN/100mL)	276	>2420	N/A	> C3	\$3,000
9	866021	1/22/2010	Enterococcus Daily Maximum (MPN/100mL)	276	1730	N/A	> C3	\$3,000
10	866023	1/23/2010	TSS Weekly Average (mg/L)	45	56	24%	> C3	\$3,000
11	866026	1/31/2010	BOD Minimum Monthly Removal (%)	85	79	6%	> C3	\$3,000
12	866025	1/31/2010	TSS Minimum Monthly Removal (%)	85	83	2%	> C3	\$3,000
13	866010	1/31/2010	Ammonia Monthly Average (mg/L)	6.0	6.3	5%	> C3	\$3,000
14	871898	2/26/2010	Enterococcus Daily Maximum (MPN/100mL)	276	>2420	N/A	> C3	\$3,000
15	871900	2/27/2010	TSS Weekly Average (mg/L)	45	84	87%	> C3, S	\$3,000
16	871899	2/27/2010	Enterococcus Daily Maximum (MPN/100mL)	276	288	N/A	> C3	\$3,000

No	CIQWS Violation Number	Occurred Date	Effluent Limit Description	Effluent Limit	Reported Effluent	Percent a Group I or Group II Pollutant is over Permit Limit	Type of Exceedance	CWC Sections 13385(h) or (i) Required MMP
17	871905	2/27/2010	Copper Daily Maximum (µg/L)	Cease and Desist Order (CDO) No. R2- 2008-0029 Interim Limit: 19	69	260%	> C3, S	\$3,000
18	871901	2/28/2010	TSS Monthly Average (mg/L)	30	44	47%	> C3, S	\$3,000
19	871902	2/28/2010	TSS Minimum Monthly Removal (%)	85	80	5%	> C3	\$3,000
20	871904	2/28/2010	BOD Minimum Monthly Removal (%)	85	83	2%	> C3	\$3,000
21	871906	2/28/2010	Copper Daily Maximum (µg/L)	Cease and Desist Order (CDO) No. R2- 2008-0029 Interim Limit: 19	36	89%	> C3, S	\$3,000
22	871908	3/3/2010	Enterococcus Daily Maximum (MPN/100mL)	276	2420	N/A	> C3	\$3,000
23	871903	3/6/2010	TSS Weekly Average (mg/L)	45	66	47%	> C3, S	\$3,000
24	871909	4/11/2010	Enterococcus Daily Maximum (MPN/100mL)	276	2420	N/A	> C3	\$3,000
<b>Total</b>								<b>\$60,000</b>

**Legend for Table 1:**

CIWQS = California Integrated Water Quality System database used by the Water Boards to manage violation and enforcement activities.

Violation ID = Identification number assigned to a permit violation in CIWQS.

CWC = California Water Code.

C = Count – The number that follows represents the number of violations the Discharger has had in the past 180 days, including this violation. A count greater than three (> C3) means that a penalty under Water Code Section 13385(i) applies.

S = Serious, which means that a penalty under Water Code Section 13385(h) applies when an effluent limitation is exceeded 40% or more for a Group I or 20% or more for a Group II pollutant.

Note 1: Chlorine is a Group II pollutant and the percent that chlorine residue is more than the limit of 0.0 is more than 20 but not quantifiable.

For internal purpose: RM ID: 374241  
Place ID: 244705